

# 2019

## Miami-Dade Corrections and Rehabilitation Department PREA Annual Report



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## History

The Prison Rape Elimination Act (PREA) was established in 2003 by the United States Congress to address the problem of sexual abuse and sexual harassment of persons in the custody of U.S. correctional agencies. The Act applies to all public and private institutions, including community-based agencies, which house adult or juvenile offenders. It addresses both inmate-on-inmate sexual abuse and staff sexual harassment.

### Major provisions of PREA include:

- Adherence to a zero-tolerance standard for the incidence of inmate sexual assault and rape
- Development of standards for detection, prevention, reduction, and punishment of prison rape
- Collection and dissemination of information on the incidence of prison rape
- Award of grant funds to help state and local governments implement the purposes of the Act

The goals of PREA align with the mission of the Miami-Dade Corrections and Rehabilitation Department (MDCR) which is *to serve the community by providing safe, secure, and humane detention of individuals in our custody while preparing them for a successful return to the community*. As such, MDCR has continued its long-established “zero tolerance” policy relating to sexual violence in custody and recognizes inmates who are sexually harassed or abused as victims of a serious crime. MDCR routinely responds to allegations, fully investigates all reported incidents, pursues disciplinary action, and refers those who perpetrate such conduct for investigation and prosecution. MDCR continuously seeks to provide a safe and secure environment for all individuals in our custody.

Several important initiatives were adopted early on to prevent and detect PREA-related incidents and provide a safe and secure environment for inmates:

- As early as December 2007, MDCR had developed and published a policy addressing PREA, entitled *Inmate Sexual Assault/Battery Prevention*, affirming a zero tolerance for sexual assault/battery whether inmate-on-inmate or staff-on-inmate and identified the protocols to respond to sexual assault/battery allegations.
- The Inmate Orientation Handbook, initially updated in September 2007 to include a reference to a zero tolerance of sexual misconduct, is provided to each inmate, along with, a pamphlet entitled Sexual Assault Awareness in the three most predominant languages (English, Spanish, and Creole) in Miami-Dade County.
- MDCR has displayed PREA posters, in the three languages, throughout housing units in all detention facilities since 2007 to advise about available reporting methods and provide contact numbers for confidential assistance.



- PREA training was conducted initially and incorporated into annual training classes. As well, PREA updates and the emphasizing of departmental expectations and responsibilities of all staff is an ongoing process.
- PREA information was included in the New Employee Worksite Orientation emphasizing the impact of victimization, zero tolerance to sexual misconduct of any sort, the requirement of reporting, and the general sensitivity to these types of occurrences in an institutional environment.
- MDCR initiated local Rape Treatment Center, and state Sexual Violence Hotlines available from any inmate phone where sexual abuse could be reported directly to outside organizations.
- MDCR required that all staff participate in the National Institute of Corrections online training course entitled Prison Rape Elimination Act-Your Role: Responding to Sexual Abuse in 2011 with 95% of the 2,800 employees successfully completing the course.
- Inmate Peer Education Pilot project, a collaboration between the Miami-Dade Department of Corrections and Rehabilitation (MDCR) and Just Detention International, was established to provide assessment and counseling services to inmates in need of services related to current or prior sexual assault.
- Implemented Sexual Assault Response Teams (SART) in all three detention facilities.
- Facilities were examined for vulnerabilities, and corrective actions were taken to strengthen identified concerns. This included the addition of over 2,200 video surveillance cameras as well as modifications to shower and restroom facilities to enhance privacy and reduce the risk of cross gender viewing by staff while performing their duties.
- MDCR revised its policy in order to create its first Interagency Policy to ensure joint collaboration between MDCR and Corrections Health Services (CHS), the inmate medical and mental health provider, to prevent, deter, and investigate sexual battery, abuse, and harassment. These efforts established a comprehensive prevention and response plan to such incidents. The Interagency Policy is continuously reviewed and updated to ensure the mutual commitment to MDCR's Zero Policy.

## Current Efforts

Beyond these initial efforts, MDCR and CHS remain committed to the prevention and detection of PREA-related incidents through a multi-perspective approach. This approach includes PREA committee review, training, policies and procedures, staffing levels, and surveillance technology use with the ultimate goal of identifying problem areas, and applying appropriate corrective solutions to make necessary improvements.

Training and education are critical components to the prevention of sexual abuse. In addition to updated policies and procedures, MDCR ensures that every inmate, MDCR and CHS staff, contractor, and volunteer are provided ongoing training regarding PREA. Newly arrested inmates receive initial education during the intake process, however, inmates who are held beyond first appearance receive a comprehensive education, about their right to be free from sexual abuse and sexual harassment, how to report any incidents and how to protect themselves while incarcerated. Training includes ways to



detect, prevent and respond to incidents of sexual harassment, sexual abuse, and inappropriate relationships between staff and inmates. The previously mentioned Inmate Peer Education Pilot Program is now fully integrated into the Inmate Education process. MDCR has training programs for all inmates and employees (contractors and volunteers), to ensure compliance with federal law and MDCR's zero-tolerance policies and procedures.

MDCR continues to take its responsibility of safeguarding the health and well-being of its inmates and recognizes that the prevention of sexual abuse/battery/harassment is a critical component of that effort. In preparation, MDCR puts forth the following efforts:

- MDCR provides PREA response cards to all new staff as a quick reference to reporting procedures.
- MDCR required all staff to complete an online PREA training.
- MDCR also required staff to complete an annual PREA survey.
- Jackson Health System continuously conducts PREA training for all CHS employees. All employees successfully completed the latest training.
- MDCR requires that all newly assigned PREA Compliance Managers (PCM) successfully complete online training courses provided by the National Institute of Corrections entitled "*PREA: Your Role Responding to Sexual Abuse*"; "*PREA: Investigating Sexual Abuse in a Confinement Setting*" and "*Communicating Effectively and Professionally with LGBTI Offenders*".
- MDCR installed additional cameras to improve the quality of imaging, minimize blind spots and record digital images in a formatted virtual environment.

These efforts resulted in successful internal audits, demonstrating continued compliance by all MDCR facilities and staff.

## PREA Investigations

Criminal investigations involving sexual abuse are the responsibility of the Miami-Dade Police Department (MDPD). MDPD's Special Victims Bureau investigators together with MDCR Security and Internal Affairs Bureau and Facility PREA Compliance Managers received specialized training for investigators mandated by PREA standard §115.34. In addition, specialty training was provided to CHS regarding the role of healthcare staff in detecting, reporting, and preserving medical forensic evidence conducted by MDCR's Training Bureau in conjunction with the Florida Sheriffs Association.

Below is important general information regarding PREA investigations.

Investigations:

MDCR notifies and collaborates with MDPD Special Victims Bureau to conduct official investigations on-site and make the final determination as to the validity of the alleged PREA violations. As such, all instances of alleged PREA violations, if substantiated, would constitute a criminal act.



## Definitions:

As specified on the Survey of Sexual Victimization (SSV) required by the United States Department of Justice, Bureau of Justice Statistics, the collection of data includes all inmate-on-inmate and staff-on-inmate incidents related to: nonconsensual sexual acts, abusive sexual contact, sexual harassment, staff sexual misconduct and staff sexual harassment as specifically defined below:

### *Inmate-on-Inmate Sexual Victimization*

The survey utilizes the definition of "sexual abuse" as provided by 28 C.F.R. §115.6 in the National Standards to Prevent, Detect, and Respond to Prison Rape (under the Prison Rape Elimination Act of 2003). For purposes of the SSV, sexual abuse is disaggregated into three categories of inmate-on-inmate sexual victimization.

These categories are:

1. Nonconsensual Sexual Acts
  - Sexual Contact of any reason without his or her consent, or of a person who is unable to consent or refuse; and
  - Contact between the penis and the vulva or the penis and the anus including penetration, however slight; or
  - Contact between the mouth and the penis, vulva or anus; or
  - Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.
2. Abusive Sexual Contact
  - Sexual Contact of any person without his or her consent, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person; and
  - Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.
  - EXCLUDE incidents in which the contact was incidental to a physical altercation.
3. Sexual Harassment
  - Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.

### *Staff-on-Inmate Sexual Abuse*

The survey utilizes the definition of "sexual abuse" by a staff member, contractor or volunteer as provided by 28 C.F.R. §115.6 in the National Standards to Prevent, Detect, and Respond to Prison Rape (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into two categories of staff-on-inmate sexual abuse.





These categories are:

1. Staff Sexual Misconduct

- Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors).
- Sexual relationships of a romantic nature between staff and inmates are included in this definition.
- Consensual or nonconsensual sexual acts include intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire; or
- Completed, attempted, threatened, or requested sexual acts; or
- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

2. Staff Sexual Harassment

- Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (excluding family, friends, or other visitors), includes-
- Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; or
- Repeated profane or obscene language or gestures.

The outcomes of a sexual abuse investigation (disposition) are categorized as follows:

***Substantiated***

The event was investigated and determined to have occurred, based on a preponderance of the evidence (28 C.F.R. §115.72).

***Unsubstantiated***

The investigation concluded that evidence was insufficient to determine whether or not the event occurred.

***Unfounded***

The investigation determined that the event did NOT occur.

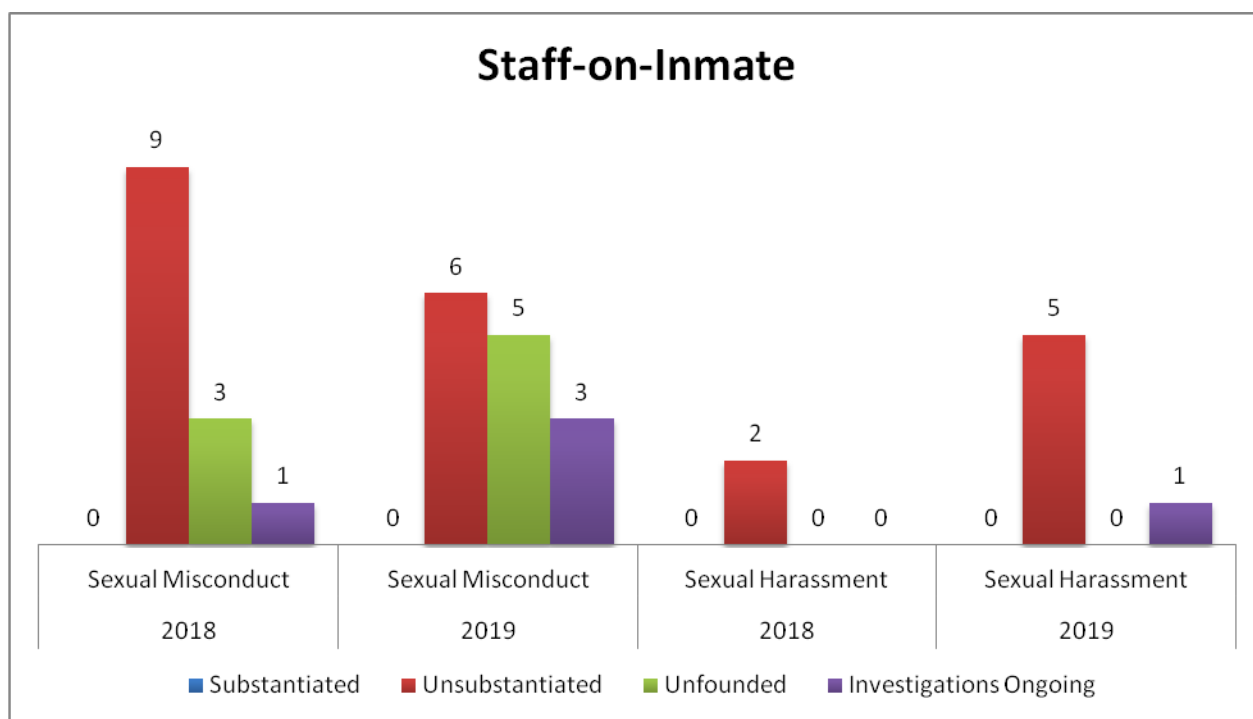
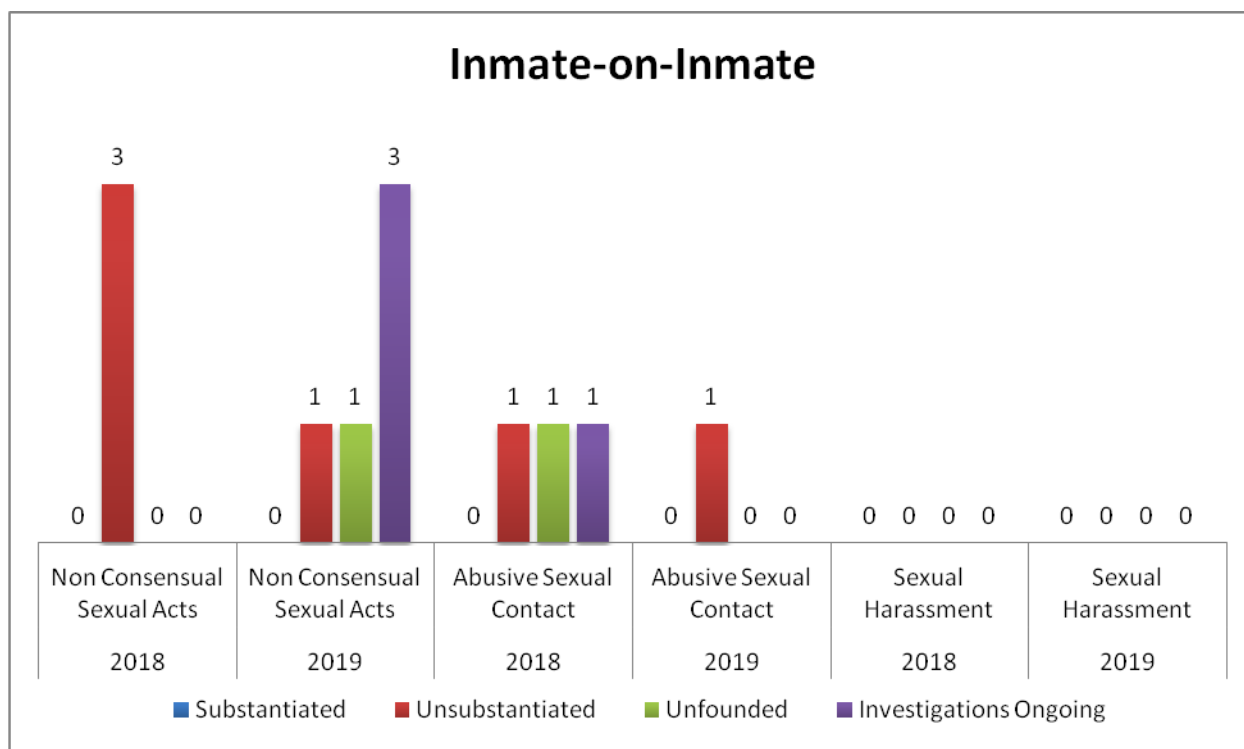
***Investigation ongoing***

Evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.



## Comparative Data Analysis

### 2018 Survey of Sexual Violence and 2019 Survey of Sexual Victimization





The graphs above represent a comparison of all reported incidents of sexual abuse and sexual harassment between 2018 and 2019 as reported or to be reported to the United States Department of Justice, Bureau of Justice Statistics, via the Survey of Sexual Victimization (SSV). The disposition of 2018 cases has been updated since the SSV was reported. In 2018, there was a total of 21 sexual abuse and harassment reports and 26 in 2019. Of the 21 reported for 2018, there were 6 inmate-on-inmate and 15 staff-on-inmate with 2 cases still being investigated and the remaining 19 either unfounded or unsubstantiated. Of the 26 reported for 2019, there were 6 inmate-on-inmate and 20 staff-on-inmate with the final outcome of inmate-on-inmate PREA cases resulting in 2 unsubstantiated, 1 unfounded and 3 which are still being investigated; and staff-on-inmate resulting in 11 unsubstantiated, 5 unfounded and 4 which are still being investigated.

## Ongoing Efforts

MDCR continues to implement best practices and the requirements of the PREA standards in order to address allegations of sexual abuse and sexual harassment of inmates. MDCR is dedicated to on-going monitoring and the implementation of corrective actions in order to maintain full PREA compliance and most importantly to maximize the safety of MDCR correctional facilities. This continual self-improvement will result in systemic changes that fully integrate the intent of the PREA standards and the highest level of safety.

MDCR and CHS continue to:

- Review and update policies to enhance PREA policy and practice
- Provide continual education for staff and inmates
- Enhance the objective screening tool
- Conduct specialized training required for investigative and medical staff
- Provide PREA Peer Education Program in collaboration with MDCR Re-entry Program Services
- Offer private counseling services to inmates related to current or prior sexual assault through local victim advocacy groups and CHS staff if needed
- Prepare for the upcoming PREA audit

## Conclusion

MDCR, along with CHS, remains firmly committed to maintaining the significant changes to the organizational culture that began in 2007 and which have allowed us to achieve compliance with PREA standards in 2013 and 2017. MDCR continues to evaluate best practices, enhance the implementation of the PREA standard requirements, and effectuate ongoing adjustments to ensure continual PREA compliance. Additionally, MDCR is also dedicated to providing safe and secure and humane housing for incarcerated individuals within Miami-Dade County.